IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 377 OF 2005

NEBULA HOME PRODUCTS PVT.LTD., AND ANR., ...Petitioners

Versus

GOA INDUSTRIAL DEVELOPMENT CORPORATION THROUGH ITS CHAIRMAN AND 4 ORS., ...Respondents

Mr. A. N. S. Nadkarni, Advocate for the petitioners.

Mr. M. S. Sonak, Advocate for respondent No.1.

Mr. S. S. Kantak, Advocate General with Ms. Rakhi Chodankar, Advocate for respondent No.2.

Coram:- D. D. SINHA &
N. A. BRITTO, JJ.

Date:- 12th December, 2005

P.C.

Heard Mr. Nadkarni, the learned Counsel for the petitioners and Mr. Sonak, the learned Counsel for respondent No.1.

The learned Counsel for the petitioners states that in the present writ petition, the direction is sought for quashing the allotment made by respondent No.1 in favour of respondents No.3 to 5 for carrying on the business activities in the green belt area. Notices were issued by this Court. Pursuant to which, respondent No.1 has filed affidavit and in paragraph 4 has made a categorical statement, which reads as under :

> "Without prejudice to the above, however, it is submitted that the decision has already been taken to relocate Respondent Nos. 3 to 5 to some other location in the Pilerne Industrial Estate and as such, it is respectfully

submitted that no cause of action survives."

In view of the above referred statement made in the affidavit by respondent No.1, though the allotment which was, according to them, initially done in favour of respondents No.3 to 5 was consistent with the provisions of law, however, in order to avoid controversy relating to the issue in question, the above referred action is already initiated against respondents No.3 to 5.

The presence of respondents No.3 to 5, at this stage before passing of the present order, in our view, is not necessary since we have not adjudicated upon the rights of the parties in the present writ petition and the disposal of the present writ petition only on the basis of the statement made by respondent No.1 in the affidavit without prejudice to the rights of the parties.

In the backdrop of the above referred facts, since the action is already initiated by respondent No.1 against respondents No.3 to 5, as referred to hereinabove, the grievance of the petitioners made in the present petition, in our view, at this stage, stands redressed.

With these observations, the writ petition is disposed of. However the issue regarding place where the permission to carry out activity granted to respondents No.3 to 5 by respondent No.1 whether comes within the green area or the dumping area, is kept open.

D. D. SINHA, J.

N. A. BRITTO, J.

ssm.